



27 FEB 2006

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In re Application of :
ARAZI et al. :
Application No.: 10/510,669 : DECISION
PCT No.: PCT/IL03/00296 :
Int. Filing Date: 08 April 2003 :
Priority Date: 09 April 2002 :
Attorney Docket No.: 06727/1200442-US1 :
For: COMPUTERIZED TRADING SYSTEM AND :
METHOD USEFUL THEREFOR :

This decision is in response to applicants' "PETITION TO REVIVE IN RESPONSE TO NOTIFICATION OF ABANDONMENT DATED NOVEMBER 21, 2005" filed in the United States Patent and Trademark Office (USPTO) on 19 December 2005, which has properly been treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 08 April 2003, applicant filed international application PCT/IL03/00296, which designated the United States and claimed a priority date of 09 April 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 23 October 2003. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 October 2004 (09 October 2004 being a Saturday and 11 October 2004 being a Federal holiday).

On 06 October 2004, applicant filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and an assertion of small entity status.

On 30 June 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date were required. The Notification set a two-month extendable period for reply.

On 21 November 2005, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DE/EO/909) indicating that the application was abandoned as to the United States of America for failure to reply to the NOTIFICATION OF MISSING REQUIREMENTS mailed 30 June 2005.

On 19 December 2005, applicants filed the instant submission, which has been treated as a petition under 37 CFR 1.181. The petition was accompanied by, *inter alia*, a date-stamped postcard receipt and a copy of a declaration of the inventors.

DISCUSSION

Applicant has provided sufficient evidence to establish that on 28 November 2005 applicant filed a declaration of the inventors. The proof is in the form of the copy of the receipt for the above-identified application which bears a USPTO date stamp of 28 November 2005 and which itemizes the declaration and identifies the above-captioned docket number and application number. Further, practitioner states that the copy of the declaration filed 19 December 2005 is a copy of the declaration originally filed 28 November 2005. Therefore, in view of the date-stamped receipt and practitioner's statement, the declaration received on 19 December 2005 may properly be accepted as originally received in the USPTO on 28 November 2005. The NOTIFICATION OF ABANDONMENT mailed 21 November 2005 is hereby vacated.

The declaration filed 28 November 2005 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.181 is GRANTED for the reasons set forth above.

The NOTIFICATION OF ABANDONMENT mailed 21 November 2005 is VACATED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.



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